
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID RICHARD TERRELL,

Defendant.

**MEMORANDUM DECISION
AND ORDER TERMINATING
SUPERVISED RELEASE**

Case No. 2:09CR139DAK

This matter is before the court on Defendant David Terrell's motion for early termination of supervised release. On October 26, 2009, Defendant was sentenced to eight months incarceration and a thirty-six month term of supervised release to begin at the conclusion of his incarceration. Defendant was released from federal custody and began his term of supervised release on January 27, 2010. Defendant violated the terms of his supervised release and was then re-sentenced on October 13, 2010, to three months incarceration and a twenty-four month term of supervised release. Defendant was released from custody and began this term of supervised release on November 12, 2010. Therefore, Defendant's supervised release is currently scheduled to terminate on November 12, 2012.

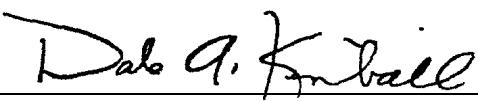
Pursuant to 18 U.S.C. § 3583(e)(1), after considering the factors set forth in Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6), the court may terminate a term of supervised release "at any time after the expiration of one year of supervised release . . .

if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” The factors to be considered in Section 3553(a) are those factors to be considered in imposing a sentence, including “the nature and circumstances of the offense and the history and characteristics of the defendant,” the applicable sentencing guidelines and any policy statements issued by the Sentencing Commission, and the need for the sentence imposed to promote respect for the law, to provide just punishment, to deter other criminal conduct, and to provide the defendant with needed services. *See* 18 U.S.C. § 3553(a).

Defendant’s motion for early termination of supervised release contains a representation that it is supported by his probation officer. The court has also contacted his probation officer to confirm his support of early termination. Defendant is working and has applied for Social Security Disability to begin treatment for Hepatitis C. Defendant has been attending religious services regularly and has been volunteering with his church’s welfare program. Defendant’s letter further demonstrates that he has taken several steps to change his past behavior and sincerely does not intend to engage in any further illegal conduct. Based on Defendant’s conduct and the support of his probation officer, the court finds that an early termination of supervised release is warranted. Accordingly, Defendant’s motion for early termination of supervised release is GRANTED.

DATED this 4th day of January, 2011.

BY THE COURT:



DALE A. KIMBALL
United States District Judge